IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

Bail Appl..No. 4849 of 2007(P)

(CRIME NO.186/2006 OF PARAVOOR POLICE STATION)

PETITIONER/7TH ACCUSED

PRADEEP, S/O. PANKAJAKSHAN, AGED 28 YEARS, MANGALATH HOUSE, PAZHUPONGU BHAGAM, KIDANGOOR, THURAVOOR, ANGAMALY.

BY ADV. SRI.RAJIT

RESPONDENT:

STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.4849 of 2007

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Dated this the 16th day of August, 2007

ORDER

Application for regular bail. Petitioner is the 7th accused. Altogether there are eight accused persons. The accused persons face allegations, inter alia under Sec.395 IPC. The crux of the allegations is that while the defacto complainant and his wife, who run a petrol bunk, were proceeding after closing the petrol bunk, with a huge amount of cash on 18.3.06 in an auto rickshaw, under the leadership of the petitioner herein, the 7 accused have planned to attack the defacto complainant and his wife. Accused 1 and 2 had allegedly tracked the movements of the victims. Accused 3 to 6 allegedly proceeded to stop the auto rickshaw and attack the victims. The victims were robbed of cash and gold ornaments, amounting Rs.2.45 lakhs. The petitioner was arrested on 8.6.07. He continues in custody from that date. Investigation has not been completed yet. Some of the co-accused remain to be arrested.

2. The learned counsel for the petitioner submits that the

petitioner is absolutely innocent. He has no involvement in the incident in this case. His name is unnecessarily dragged into the controversy. In these circumstances, the petitioner may now be enlarged on bail, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application and submits that the materials collected clearly show that the petitioner was the one who led the culpable operation in this case. The booty was taken to the petitioner and he distributed the same among the participants in the operation. The petitioner has a questionable track records of crimes. He is accused in three 302 cases and sixteen other crimes. In these circumstances, the petitioner may not be enlarged on bail. In a serious crime like the instant one, the Investigators may be granted reasonable further time to complete the investigation.

4. Having considered all the relevant inputs, I am satisfied that there is merit in the opposition by the learned Public Prosecutor. I shall carefully avoid any detailed discussion on merits about the acceptability of the allegations or the credibility of the data collected. Suffice it to say that on an anxious

consideration of all the relevant inputs including the nature and gravity of the allegations, stage of investigation etc., I am not persuaded to grant regular bail to the petitioner at this early stage. Investigators in a serious crime like this are certainly entitled to further time to complete the investigation.

5. In the result, this petition is dismissed. However, I may hasten to observe that the petitioner shall be at liberty to move this court or the Sessions court for bail again at a later stage of the investigation not, at any rate, prior to 30/08/2007. The police shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE